

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CARMEN OTERO Mc CULLOCH,

Plaintiff,

NOTICE OF MOTION

-against-

07 CV 9780 (LAP)(RLE)

**TOWN OF MILAN, TOWN OF MILAN TOWN BOARD,
JOHN V. TALMADGE, Town Supervisor, and ALFRED
LO BRUTTON, PAULINE COMBE-CLARK, DIANE
MAY, and ROSS WILLIAMS, Councilpersons, TOWN OF
MILAN PLANNING BOARD, LAUREN KINGMAN,
Chairman, and Members JEFFREY ANAGOS, PETER
GROSS, SHEILA MARGIOTTA, MARY ANN
HOFFMAN, and PAULINE COMBE-CLARK, GARY
E. BECK, Zoning Enforcement Officer, Town of Milan, and
FRANK MARGIOTTA, BARBARA HUGHEY, and
CHARLOTTE NORMAN,**

Defendants.

-----X

PLEASE TAKE NOTICE, that upon the annexed Declaration of Terry Rice,
dated February 29, 2007, the amended complaint herein and upon the prior proceedings
heretofore had had herein, a motion will be made to this Court, to be held at the United
States District Courthouse, New York, New York, on the 14th day of March, 2008, at
9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard, for an
order pursuant to FRCP Rule 12(b)(6), dismissing the complaint herein, together with
such other and further relief as to the Court may seem just and proper.

Dated: Suffern, New York
February 29, 2008

Rice & Amon

/s/ _____

By: Terry Rice (TR 1022)
Four Executive Boulevard
Suite 100
Suffern, New York 10901
(845) 357-4000

To: Kenneth Mc Culloch
516 Fifth Avenue, 12th Floor
New York, New York 10036